# THE Dissenters LOYALTY.

## *Specimen* III.

The Concerns of Law are in things { RELIGIOUS, MORAL, AND POLITICAL or CIVIL.

The Rule or Law of God in things { *Political*, is the Common Good. *Religious*, is Scripture. *Moral*, is the Light of Nature.

IF the Magistrate command any thing in Religion, and it be not according to Gods Word, the Conscience cannot be bound to it as Religious.

Though the Outward Man I think therein also is bound, if it be not against Gods Word.

If the Magistrate command any thing Moral, if it be against the Law of Nature, or common Principles of Light in Man, that is the Moral Law in the Heart, the Conscience cannot be bound, but must refuse it.

If he command any which is Civil or Political, and it be against the Common Good, then is it not agreeable to Gods Will, being not consonant to the Rule he

has commanded for Civils; and consequently the Conscience cannot be obliged by it upon that account.

In the mean while so long as it is not against Conscience otherwise, that is, so long as it is not Sin, the Outward Man is bound; and if the Magistrate will constrain a person to it, rather then suffer, he will obey.

There are several Books and Sermons of Ministers about Religion, which do bind the Readers and Hearers by vertue of Gods Word.

But the Supreme Rule is Gods Word, unto which consequently, if what they have said, or writ, be not consonant, the Conscience is not bound; and according as the Conscience of a Man is convinced, whether that which the Minister says be agreeable to the Word or not, so is it bound or not bound by it.

The Case is the same in Laws.

The Magistrate does give us such and such particular Commands or Laws.

His Authority he has from God.

The Will of God, as the Supreme Law, or Rule in Politicals, is that the Common Good be attended, and advanc'd.

They are Gods Ministers attending continually upon this very thing.

So far then as his Commands are agreeable to the Common Good, so far is his Authority Good, and must oblige the Conscience, being from God.

And so long as a man is convinc'd in Conscience, that they are agreeable thereunto, he must be in Conscience obliged: but if he be sincerely perswaded, that

such

ſuch or ſuch a thing commanded, be not for the Publick Good, the caſe is but the ſame with what I ſaid in Religion, when the Miniſters Exhortation diſagrees with the Word.

The Magiſtrate is but Gods Miniſter in Politicals, and his Commands diſagreeing with the Supreme Law, the Common Good, the Conſcience cannot be oblig'd in this caſe.

Nevertheleſs ſo long as the Outward Man is in the Magiſtrates power, and the Subject may not reſiſt, he can command Obedience, out of the caſe of Sin, when he pleaſes to exert his Sword.

Before I paſs off, I am made a little ſenſible how apt our Queſtion may be wreſted into a diſpute about terms.

It is hard to ſay this or that Law binds the Conſcience, for Conſcience is the diſcerner of my duty, and ſo no more proper to ſay my Conſcience binds me to this Law, then that this Law binds it.

It is ſcarce proper neither to ſay the Conſcience is bound, ſeeing it is the Perſon is bound.

Conſcience is placed in the Underſtanding, and when a thing becomes a mans Duty, the Will is oblig'd rather then the Underſtanding.

It is not eaſie likewiſe to apprehend how the Outward Man is bound with diſtinction to Conſcience, conſidering that this obligation hath its riſe and virtue from our duty of not reſiſting, unto which we are always bound in Conſcience.

The term *Reſiſting* likewiſe is liable to diverſity of acceptations.

It is convenient therefore for me in my way to give

the ſence of the terms, if it be not yet done enough, to prevent needleſs contention.

By *Humane Laws* I underſtand the declaration of the *Will of the Rightful Governour*, what he would have his Subjects do. I will not alſo put in the *End* of the Laws, *In Order to the Common Good*, becauſe that will preſently ſpoil the Queſtion.

For where the Efficient is our Rightful Ruler, and the Law ſerves indeed for that End, or hath its right final cauſe alſo, there is no Queſtion of its Obligation.

Yet if I leave out the End, the Queſtion indeed may be, *Whether ſuch a declaration be a Law?* rather then, *Whether it binds?*

Nevertheleſs as I make a Caſe of Conſcience of it, (and count all our Acts of Parliament Laws) it is all one in effect to me, whether you ſay ſuch a Law binds not, or ſuch an Act or Law is no Law, and binds not.

*Ex quo intelliges eos qui perniciosa & injuſta populis juſſa deſcripſerint cum contrafecerint quod polliciti profeſſiq; ſint, quodvis potius tutiſſe quam Leges.* Cicero de Legibus.

By *Conſcience* I underſtand a faculty in man of diſcerning Gods Judgment concerning Himſelf, and Actions.

It is more proper to ſay a Faculty is obliged, then a Habit, or an Act; and that Faculty which man has hereunto, is charged (whilſt himſelf is) to judge whether ſuch a thing commanded be his duty in relation to God, or not.

By *Obligation* I underſtand the conſtitution of a due *Obligare eſt Jus conſtituere.*

By *Obligation of the Conſcience*, I underſtand the conſtituting

ſtituting a thing to be due from me, ſo that if I do it not, I muſt account or judge God will condemn me for the neglect; or the making a thing my duty, ſo that if I leave it undone, I ſin.

The *Obligation of the Outward Man*, I account the conſtituting a thing to be due from me, ſo as if I do it not, I may not reſiſt, though I be puniſhed; or I may be puniſhed, and ought not to reſiſt, though I could avoid both the thing and puniſhment by reſiſtance.

The word *Licere*, ſays *Grotius*, (from one Line of whom a man ſhall have more inſtruction ſometimes, then from another's Book) is diſtinguiſhed,

*In* { *Id quod Impune fit*, / *Id quod Vitio caret.*

So muſt we ſay the word *Obligare* is diſtinguiſhed into That Which if we do not, the thing makes us liable to Puniſhment, (*in foro Humano*, according to the Law) or That Which if we do it not, makes liable to Sin: That is, there is an Obligation Humane only, (which we have had before) that tyes us to Obedience upon the Penalty of the Law; or an Obligation Divine alſo; which tyes us to the Duty upon pain of Gods diſpleaſure, and Eternal condemnation.

The one of theſe we call the *Obligation of the Outward Man*, and the other of the *Conſcience*.

By *Reſiſtance* laſtly I underſtand, the repelling Force with Force.

The word *Reſiſtance* may be taken { *Largely*, or / *Strictly.*

*Reſiſtitur contra Imperium agendo, aut vim vi reprimendo.*

I take it in the Laſt, and Strict ſence. Let me yet note

one

one thing more; When we distinguish in the Obligation of Humane Laws, between the *Outward Man*, and the *Conscience*, we do not distinguish the *Outward Man* from the *Will*, when we distinguish it from *Conscience*.

The Will is wrought upon under both Obligations, through fear of Mans Law, and through fear of Gods. If you divide the *Outward Man* from the *Will*, you cannot bind it, but Physically, by putting it in Bonds or Fetters. But the obliging it by the Will, is binding with an Humane Obligation; and that I account too is not Morally, but Politically, (as I have intimated) to wit, as Humane Laws are *Norma Humana Judicii*; the man who breaketh a bad Law, is according to that Law to be adjudg'd to its penalty, and *In sensu Politico Humano*, as an Offender of the Law; so that if he be punished by the Judge who judgeth by that Law, he must submit: Yet seeing the Law is no other then such, he is not made a Sinner by that Breach, or to be condemned by God.

To sum up my Opinion then without the Terms, that those that will may assail me fairly in My Sense, I am perswaded as God's Will is not as Man's, so every Command of Man in indifferent things, is not the Command of God: but that when there is no declaration of the Magistrate's Will, but it does make the thing he would have, to be due from us so, as he may punish us by his Law for the not doing, if he please, and we must bear it without defending our selves by force, and consequently he may compell us to any thing not sinful by that means: yet does not every declaration of his Will, make the thing he requires to be our duty; so, that we are necessarily guilty of sin, if it be not done;

but

but contrarily, though many a man lives and dyes in the Breach of ſome Laws and Statutes of the Realm, (ſo long as they offer no contempt to the Ruler, nor ſcandal to their Brethren, nor reſiſt if they be brought to ſuffer) they may be good Chriſtians for all that, and Servants of Chriſt.

And here I have no more that I know needful to be ſupply'd, but only to do this: to produce what I have in my Caſe it ſelf, that the main Notion I offer here, and there, may appear to be the ſame; and to vindicate that Authority which alone ſuffic'd me then, and ſhall now for my confirmation.

The words which I offer in my Caſe are theſe.

*Power* (ſay I) *is a right to Rule or Command. This right in the Nature of the thing, muſt ariſe from the Grant or Will of the Supreme Lord, which is God; without whoſe Will (or that Grant or Charter which is an Act of his Will) no Power can be deriv'd to any.*

*Now that Grant or Will of God which conſtitutes any to Rule, or to be his Miniſter, being for the Peoples good,* (He is the Miniſter of God for our good, *ſays the Text*) *it muſt follow that whatſoever is not indeed for the Peoples good, the Magiſtrate is not to command, becauſe it is God's Will, that he command only for their good: and if he do command any matter that is otherwiſe, that command has no Authority as to the Conſcience at all, as being without the warrant of God's Will.*

I know I have ſet down this in a few Lines, but it has been the Fruit of ſeveral thoughts and years. I thought good to confirm it with one Teſtimony of Dr. *Taylor*, and I perceive ſome ſeem offended, and to accuſe me of diſ-ingenuity for it, as if I had done him wrong.

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It is neceſſary therefore that I turn again to that Doctor, and ſee; only I muſt ſay, that I am glad (I muſt confeſs) that I have ſuch an Authority as this Doctor, ſo full for me. Nevertheleſs, Dr. *Taylor* is not (as far as I know in a tittle) the Author to me, but witneſs to the light I offer.

In the third Book of his Caſes, and the firſt Chapter, he comes to treat of Humane Laws, and what obligation they paſs on the Conſcience.

In his firſt Rule he tells us, the Conſcience is oblig'd directly and actively to obey the Laws of man.

Several learned Authors, together with Nine Arguments to the contrary, which he having very hardly aſſailed, comes to his next Rule, That Humane Laws bind not, when there is any intolerable or grievous evil in the Obedience. To make out this, he proceeds to a third Rule, That the Laws of our Superiour that are not juſt and good, do not oblige the Conſcience. And then ſhewing that Laws are ſuch, he tells us, That a Law is unjuſt that contributes not to the Publick advantage.

*This is the limit of a Princes Power, ſo far as he relates to Conſcience, for beyond this the Conſcience is not. Again, if a Prince make a Law that is not for the Publick good, it hath no Sanction but Fear, nor no Tye upon the Conſcience.*

*Again, all ſuch things as are againſt the good of Subjects, the Law it ſelf declarer it to be no Law, that is, to be more then the Superiour hath right or leave to do.*

*Again, Laws that are made to purpoſes beyond theſe meaſures, do no way oblige the Conſcience*; He is the Miniſter of God for good, (*ſaith St.* Paul) *otherwiſe he is not Gods Miniſter, and hath to other purpoſes none of Gods Authority, and therefore cannot oblige the Conſcience to an active Obedience in ſuch, where his Power is incompetent to Command.*

FINIS.